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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,562	09/12/2003	Douglas W. Irish	2020001USIAP	9747
45069	7590	05/09/2005	EXAMINER	
FRED ZOLLINGER III				RIDLEY, RICHARD
P.O. BOX 2368				ART UNIT
NORTH CANTON, OH 44720				PAPER NUMBER
				3651

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Detailed Action

1. The reply filed on 3-4-05 is not fully responsive to the prior Office Action because:

Submitted claims 1-22 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

- Claims 1 & 16, reciting “first and second spaced walls defining loading and unloading windows” would require searches in class 414 subclass 222.01 and class 198 sub 347.1, which is establish for loading and unloading functions.
- Claims 1 & 16, additionally reciting “dish washing area” would require searches in class 134 subclass 48, which is establish for the conveying function in combination with washing.
- Claims 21 & 22, directed toward a method of retrofitting a cafeteria tray accumulator and removing an old existing accumulator and installing a new accumulator is also distinct from the originally presented apparatus claims because the method as claimed can be practiced by another materially different apparatus or by hand. Additionally, the methods of “removing an existing tray accumulator system” and “installing a new cafeteria tray accumulator system” would require a search in class 198 subclass 617.

2. Since applicant has received an action on the merits for the originally presented invention, the invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-22 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Art Unit: 3651

3. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (571) 272-6917. The examiner can normally be reached on Mon-Fri 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Richard Ridley
04 May 2005

Richard Ridley
Primary Examiner
Art Unit 3651